

AMENDED IN ASSEMBLY AUGUST 20, 2015

AMENDED IN ASSEMBLY JUNE 18, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 589

Introduced by Senator Block
(Coauthor: Assembly Member Mullin)

February 26, 2015

An act to amend Sections 2102, 2150, 2208, and 2209 of the Elections Code, and to amend Sections 1823, 1826, 1828, 1851, and 1910 of the Probate Code, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

SB 589, as amended, Block. Voting: voter registration: individuals with disabilities and conservatees.

(1) Existing law requires that a person be registered as a voter by affidavit of registration and provides that a properly executed registration is deemed effective if it is received on or before the 15th day before an election to be held in the registrant's precinct. Existing law requires the affidavit of registration to show certain information of the affiant and requires the affiant to certify the content of the affidavit as to its truth and correctness, under penalty of perjury, with the signature of the affiant's name and the date of signing, except that if the affiant is unable to write, a mark or cross must be used to sign the affidavit.

This bill would authorize an individual with a disability who is otherwise qualified to vote to complete an affidavit of registration with reasonable accommodations as needed. The bill would also authorize an individual with a disability who is under a conservatorship to be registered to vote if he or she has not been disqualified from voting.

The bill would authorize an affiant who is an individual with a disability to complete the affidavit of registration with reasonable accommodations as needed. The bill would find and declare that by explicitly adding the concept of reasonable accommodation to state laws on voter qualification, the bill brings the state into compliance with federal standards.

(2) Existing law deems a person mentally incompetent, and therefore disqualified from voting if, during certain proceedings including conservatorship proceedings, the court finds that the person is incapable of completing an affidavit of voter registration. Existing law, in certain conservatorship proceedings heard by a jury, requires the jury to unanimously find that the person is incapable of completing an affidavit of registration before the person is disqualified from voting. If an order establishing a conservatorship is made and in connection with the order it is found that the person is incapable of completing an affidavit of voter registration, existing law requires the court to forward the order and determination to the county elections official of the person's county of residence. Existing law, during the yearly or biennial review of certain conservatorships, requires the court investigator to review the person's capability of completing an affidavit of voter registration and, if the conservatee's capability of completing the affidavit of voter registration changes, requires the court investigator to inform the court and the court to hold a hearing regarding that capability.

This bill would instead require that a person be presumed competent to vote, regardless of his or her conservatorship status, and would require that a person be deemed mentally incompetent, and therefore disqualified from voting if, during certain proceedings including conservatorship proceedings, the court finds by clear and convincing evidence that the person cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process. In certain conservatorship proceedings heard by a jury, the bill would require the jury to instead unanimously find by clear and convincing evidence that the person cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process before the person is disqualified from voting. The bill would also require an order establishing a conservatorship to instead find by clear and convincing evidence that the person cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process before the court is required to forward the order and determination to the county elections official of the person's county of

residence. The bill, during the yearly or biennial review of certain conservatorships, would instead require the court investigator to review the person's capability of communicating, with or without reasonable accommodations, a desire to participate in the voting process, and if the conservatee's capability of communicating that desire has changed, would require the court investigator to inform the court and the court to hold a hearing regarding that capability.

(3) Existing law regulates the terms and conditions of conservatorships and requires a court clerk, if a conservatorship petition is filed by a person other than the proposed conservatee, to issue a citation to the proposed conservatee that includes, among other things, a statement that the proposed conservatee may be disqualified from voting if he or she is incapable of completing an affidavit of voter registration, and a statement that the proposed conservatee will not be disqualified from voting if he or she would need to complete the affidavit by signing it with a mark, cross, or signature stamp, or with the assistance of another person. Existing law requires a court hearing on a petition for the appointment of a conservator and requires a court investigator, before the court hearing and as part of periodic review after the appointment of the conservator to, among other things, determine if the proposed conservatee is incapable of completing an affidavit of voter registration, as specified, and may be disqualified from voting. Existing law provides that a conservatee is not disqualified from voting on the basis that he or she would need to complete the affidavit by signing it with a mark, cross, or signature stamp, or with the assistance of another person.

This bill would require the court clerk's citation to the proposed conservatee, as described above, to instead include a statement that the proposed conservatee may be disqualified from voting if he or she is incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, and a statement that the proposed conservatee will not be disqualified from voting if he or she would also need to complete the affidavit with reasonable accommodations. The bill would require the court investigator, before the court hearing and as part of periodic reviews after the appointment of a conservator to, among other things, instead determine whether the proposed conservatee is incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, and may be disqualified from voting. The bill would also provide that a conservatee is not disqualified from

voting on the basis that he or she would need to complete the affidavit with reasonable accommodations. By requiring local officials to perform additional duties, the bill would impose a state-mandated local program.

(4) This bill would also make technical, nonsubstantive changes to these provisions.

(5) *This bill would incorporate additional changes to Section 2102 of the Elections Code, proposed by AB 1461, that would become operative only if AB 1461 and this bill are both chaptered and become effective on or before January 1, 2016, and this bill is chaptered last. The bill would also incorporate additional changes to Sections 2150, 2208, and 2209 of the Elections Code, proposed by AB 1020, that would become operative only if AB 1020 and this bill are both chaptered and become effective on or before January 1, 2016, and this bill is chaptered last.*

(5)

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that federal
2 disability nondiscrimination laws, including Title II of the federal
3 ~~American~~ Americans with Disabilities Act of 1990 (Public Law
4 101-336), entitle people with disabilities to reasonable
5 accommodations, as needed, to participate in public activities such
6 as voting. The Legislature further finds and declares that by
7 explicitly adding the concept of reasonable accommodation to
8 California laws on voter qualification, this act brings the state into
9 compliance with federal standards.

1 SEC. 2. Section 2102 of the Elections Code, as amended by
2 Section 5 of Chapter 909 of the Statutes of 2014, is amended to
3 read:

4 2102. (a) A person shall not be registered as a voter except by
5 affidavit of registration. The affidavit of registration shall be mailed
6 or delivered to the county elections official and shall set forth all
7 of the facts required to be shown by this chapter. A properly
8 executed affidavit of registration shall be deemed effective upon
9 receipt of the affidavit by the county elections official if received
10 on or before the 15th day before an election to be held in the
11 registrant's precinct. A properly executed affidavit of registration
12 shall also be deemed effective upon receipt of the affidavit by the
13 county elections official if any of the following apply:

14 (1) The affidavit is postmarked on or before the 15th day before
15 the election and received by mail by the county elections official.

16 (2) The affidavit is submitted to the Department of Motor
17 Vehicles or accepted by any other public agency designated as a
18 voter registration agency pursuant to the federal National Voter
19 Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.) on or
20 before the 15th day before the election.

21 (3) The affidavit is delivered to the county elections official by
22 means other than those described in paragraphs (1) and (2) on or
23 before the 15th day before the election.

24 (4) The affidavit is submitted electronically on the Internet Web
25 site of the Secretary of State pursuant to Section 2196 on or before
26 the 15th day before the election.

27 (b) For purposes of verifying a signature on a recall, initiative,
28 or referendum petition or a signature on a nomination paper or any
29 other election petition or election paper, a properly executed
30 affidavit of registration shall be deemed effective for verification
31 purposes if both of the following conditions are satisfied:

32 (1) The affidavit is signed on the same date or a date before the
33 signing of the petition or paper.

34 (2) The affidavit is received by the county elections official on
35 or before the date on which the petition or paper is filed.

36 (c) Notwithstanding any other law to the contrary, the affidavit
37 of registration required under this chapter shall not be taken under
38 sworn oath, but the content of the affidavit shall be certified as to
39 its truthfulness and correctness, under penalty of perjury, by the
40 signature of the affiant.

1 (d) An individual with a disability who is otherwise qualified
2 to vote may complete an affidavit of registration with reasonable
3 accommodations as needed.

4 (e) An individual with a disability who is under a
5 conservatorship may be registered to vote if he or she has not been
6 disqualified from voting.

7 SEC. 3. Section 2102 of the Elections Code, as amended by
8 Section 6.5 of Chapter 909 of the Statutes of 2014, is amended to
9 read:

10 2102. (a) A person shall not be registered as a voter except by
11 affidavit of registration. The affidavit of registration shall be mailed
12 or delivered to the county elections official and shall set forth all
13 of the facts required to be shown by this chapter. A properly
14 executed affidavit of registration shall be deemed effective upon
15 receipt of the affidavit by the county elections official if received
16 on or before the 15th day before an election to be held in the
17 registrant's precinct. A properly executed affidavit of registration
18 shall also be deemed effective upon receipt of the affidavit by the
19 county elections official if any of the following apply:

20 (1) The affidavit is postmarked on or before the 15th day before
21 the election and received by mail by the county elections official.

22 (2) The affidavit is submitted to the Department of Motor
23 Vehicles or accepted by any other public agency designated as a
24 voter registration agency pursuant to the federal National Voter
25 Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.) on or
26 before the 15th day before the election.

27 (3) The affidavit is delivered to the county elections official by
28 means other than those described in paragraphs (1) and (2) on or
29 before the 15th day before the election.

30 (4) The affidavit is submitted electronically on the Internet Web
31 site of the Secretary of State pursuant to Section 2196 on or before
32 the 15th day before the election.

33 (b) For purposes of verifying a signature on a recall, initiative,
34 or referendum petition or a signature on a nomination paper or any
35 other election petition or election paper, a properly executed
36 affidavit of registration shall be deemed effective for verification
37 purposes if both of the following conditions are satisfied:

38 (1) The affidavit is signed on the same date or a date before the
39 signing of the petition or paper.

1 (2) The affidavit is received by the county elections official on
2 or before the date on which the petition or paper is filed.

3 (c) Notwithstanding any other law to the contrary, the affidavit
4 of registration required under this chapter shall not be taken under
5 sworn oath, but the content of the affidavit shall be certified as to
6 its truthfulness and correctness, under penalty of perjury, by the
7 signature of the affiant.

8 (d) A person who is at least 16 years of age and otherwise meets
9 all eligibility requirements to vote may submit his or her affidavit
10 of registration as prescribed by this section. A properly executed
11 affidavit of registration made pursuant to this subdivision shall be
12 deemed effective as of the date the affiant will be 18 years of age,
13 if the information in the affidavit of registration is still current at
14 that time. If the information provided by the affiant in the affidavit
15 of registration is not current at the time that the affidavit of
16 registration would otherwise become effective, for his or her
17 registration to become effective, the affiant shall provide the current
18 information to the proper county elections official as prescribed
19 by this chapter.

20 (e) An individual with a disability who is otherwise qualified
21 to vote may complete an affidavit of registration with reasonable
22 accommodations as needed.

23 (f) An individual with a disability who is under a conservatorship
24 may be registered to vote if he or she has not been disqualified
25 from voting.

26 *SEC. 3.5. Section 2102 of the Elections Code, as amended by*
27 *Section 6.5 of Chapter 909 of the Statutes of 2014, is amended to*
28 *read:*

29 2102. (a) ~~A~~*Except as provided in Chapter 4.5, a person shall*
30 *not be registered as a voter except by affidavit of registration. The*
31 *affidavit of registration shall be mailed or delivered to the county*
32 *elections official and shall set forth all of the facts required to be*
33 *shown by this chapter. A properly executed affidavit of registration*
34 *shall be deemed effective upon receipt of the affidavit by the county*
35 *elections official if received on or before the 15th day*~~prior to~~
36 *before* *an election to be held in the registrant's precinct. A properly*
37 *executed affidavit of registration shall also be deemed effective*
38 *upon receipt of the affidavit by the county elections official if any*
39 *of the following apply:*

(1) The affidavit is postmarked on or before the 15th day ~~prior to~~ before the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 ~~(42 (52 U.S.C. Sec. 1973gg 20501 et seq.)~~ on or before the 15th day ~~prior to~~ before the election.

(3) The affidavit is delivered to the county elections official by means other than those described in ~~paragraph~~ paragraphs (1) and (2) on or before the 15th day ~~prior to~~ before the election.

(4) The affidavit is submitted electronically on the Internet Web site of the Secretary of State pursuant to Section 2196 on or before the 15th day ~~prior to~~ before the election.

(b) For purposes of verifying a signature on a recall, initiative, or referendum petition or a signature on a nomination paper or any other election petition or election paper, a properly executed affidavit of registration shall be deemed effective for verification purposes if both of the following conditions are satisfied:

(1) The affidavit is signed on the same date or a date ~~prior to~~ before the signing of the petition or paper.

(2) The affidavit is received by the county elections official on or before the date on which the petition or paper is filed.

(c) Notwithstanding any other law to the contrary, the affidavit of registration required under this chapter shall not be taken under sworn oath, but the content of the affidavit shall be certified as to its truthfulness and correctness, under penalty of perjury, by the signature of the affiant.

(d) A person who is at least 16 years of age and otherwise meets all eligibility requirements to vote may submit his or her affidavit of registration as prescribed by this section. A properly executed *affidavit of* registration made pursuant to this subdivision shall be deemed effective as of the date the affiant will be 18 years of age, if the information in the affidavit of registration is still current at that time. If the information provided by the affiant in the affidavit of registration is not current at the time that the *affidavit of* registration would otherwise become effective, for his or her registration to become effective, the affiant shall provide the current information to the proper county elections official as prescribed by this chapter.

1 (e) *An individual with a disability who is otherwise qualified to*
2 *vote may complete an affidavit of registration with reasonable*
3 *accommodations as needed.*

4 (f) *An individual with a disability who is under a conservatorship*
5 *may be registered to vote if he or she has not been disqualified*
6 *from voting.*

7 SEC. 4. Section 2150 of the Elections Code, as amended by
8 Section 8 of Chapter 1 of the Statutes of 2009, is amended to read:

9 2150. (a) The affidavit of registration shall show:

10 (1) The facts necessary to establish the affiant as an elector.

11 (2) The affiant's name at length, including his or her given
12 name, and a middle name or initial, or if the initial of the given
13 name is customarily used, then the initial and middle name. The
14 affiant's given name may be preceded, at the affiant's option, by
15 the designation of Miss, Ms., Mrs., or Mr. A person shall not be
16 denied the right to register because of his or her failure to mark a
17 prefix to the given name and shall be so advised on the voter
18 registration card. This subdivision shall not be construed as
19 requiring the printing of prefixes on an affidavit of registration.

20 (3) The affiant's place of residence, residence telephone number,
21 if furnished, and email address, if furnished. A person shall not be
22 denied the right to register because of his or her failure to furnish
23 a telephone number or email address, and shall be so advised on
24 the voter registration card.

25 (4) The affiant's mailing address, if different from the place of
26 residence.

27 (5) The affiant's date of birth to establish that he or she will be
28 at least 18 years of age on or before the date of the next election.

29 (6) The state or country of the affiant's birth.

30 (7) (A) In the case of an affiant who has been issued a current
31 and valid driver's license, the affiant's driver's license number.

32 (B) In the case of any other affiant, other than an affiant to whom
33 subparagraph (C) applies, the last four digits of the affiant's social
34 security number.

35 (C) If a voter registration affiant has not been issued a current
36 and valid driver's license or a social security number, the state
37 shall assign the ~~applicant~~ *affiant* a number that will serve to identify
38 the affiant for voter registration purposes. If the state has a
39 computerized list in effect under this paragraph and the list assigns
40 unique identifying numbers to registrants, the number assigned

1 under this subparagraph shall be the unique identifying number
2 assigned under the list.

3 (8) The affiant's political party preference.

4 (9) That the affiant is currently not imprisoned or on parole for
5 the conviction of a felony.

6 (10) A prior registration portion indicating if the affiant has
7 been registered at another address, under another name, or as
8 preferring another party. If the affiant has been so registered, he
9 or she shall give an additional statement giving that address, name,
10 or party.

11 (b) The affiant shall certify the content of the affidavit of
12 registration as to its truthfulness and correctness, under penalty of
13 perjury, with the signature of his or her name and the date of
14 signing. If the affiant is unable to write he or she shall sign with
15 a mark or cross. An affiant who is an individual with a disability
16 may complete the affidavit with reasonable accommodations as
17 needed.

18 (c) The affidavit of registration shall also contain a space that
19 would enable the affiant to state his or her ethnicity or race, or
20 both. An affiant may not be denied the ability to register because
21 he or she declines to state his or her ethnicity or race.

22 (d) If a person, including a deputy registrar, assists the affiant
23 in completing the affidavit of registration, that person shall sign
24 and date the affidavit below the signature of the affiant.

25 (e) The affidavit of registration shall also contain a space to
26 permit the affiant to apply for permanent vote by mail status.

27 (f) The Secretary of State may continue to supply existing
28 affidavits of registration to county elections officials before printing
29 new or revised forms that reflect the changes made to this section
30 by Chapter 508 of the Statutes of 2007.

31 *SEC. 4.5. Section 2150 of the Elections Code, as amended by*
32 *Section 8 of Chapter 1 of the Statutes of 2009, is amended to read:*

33 2150. (a) The affidavit of registration shall show:

34 (1) The facts necessary to establish the affiant as an elector.

35 (2) The affiant's name at length, including his or her given
36 name, and a middle name or initial, or if the initial of the given
37 name is customarily used, then the initial and middle name. The
38 affiant's given name may be preceded, at *the* affiant's option, by
39 the designation of ~~Miss, Ms., Mrs., or Mr.~~ "Miss," "Ms.," "Mrs.,"
40 or "Mr." A person shall not be denied the right to register because

1 of his or her failure to mark a prefix to the given name and shall
2 be so advised on the voter registration card. This subdivision shall
3 not be construed as requiring the printing of prefixes on an affidavit
4 of registration.

5 (3) The affiant's place of residence, residence telephone number,
6 if furnished, and ~~e-mail~~ *email* address, if furnished. ~~No~~ A person
7 shall *not* be denied the right to register because of his or her failure
8 to furnish a telephone number or ~~e-mail~~ *email* address, and shall
9 be so advised on the voter registration card.

10 (4) The affiant's mailing address, if different from the place of
11 residence.

12 (5) The affiant's date of birth to establish that he or she will be
13 at least 18 years of age on or before the date of the next election.

14 (6) The state or country of the affiant's birth.

15 (7) (A) In the case of an ~~applicant~~ *affiant* who has been issued
16 a current and valid driver's license, the ~~applicant's~~ *affiant's* driver's
17 license number.

18 (B) In the case of any other ~~applicant~~, *affiant*, other than an
19 ~~applicant~~ *affiant* to whom subparagraph (C) applies, the last four
20 digits of the ~~applicant's~~ *affiant's* social security number.

21 (C) ~~If an applicant for a voter registration~~ *affiant* has not been
22 issued a current and valid driver's license or a social security
23 number, the state shall assign the applicant a number that will serve
24 to identify the ~~applicant~~ *affiant* for voter registration purposes. ~~To~~
25 ~~the extent that~~ *If* the state has a computerized list in effect under
26 this ~~subdivision~~ *paragraph* and the list assigns unique identifying
27 numbers to registrants, the number assigned under this
28 subparagraph shall be the unique identifying number assigned
29 under the list.

30 (8) The affiant's political party preference.

31 (9) That the affiant is currently not imprisoned or on parole for
32 the conviction of a felony.

33 (10) A prior registration portion indicating ~~whether if~~ the affiant
34 has been registered at another address, under another name, or as
35 preferring another party. If the affiant has been so registered, he
36 or she shall give an additional statement giving that address, name,
37 or party.

38 (b) The affiant shall certify the content of the affidavit *of*
39 *registration* as to its ~~truth~~ *truthfulness* and correctness, under
40 penalty of perjury, with the signature of his or her name and the

1 date of signing. If the affiant is unable to ~~write~~ write, he or she
2 shall sign with a mark or cross. *An affiant who is an individual*
3 *with a disability may complete the affidavit with reasonable*
4 *accommodations as needed.*

5 (c) The affidavit of registration shall also contain a space that
6 would enable the affiant to state his or her ethnicity or race, or
7 both. An affiant may not be denied the ability to register because
8 he or she declines to state his or her ethnicity or race.

9 (d) ~~If any person, including a deputy registrar, a person~~ assists
10 the affiant in completing the ~~affidavit~~, *affidavit of registration*,
11 that person shall sign and date the affidavit below the signature of
12 the affiant.

13 (e) The affidavit of registration shall also contain a space to
14 permit the affiant to apply for permanent vote by mail status.

15 (f) The Secretary of State may continue to supply existing
16 affidavits of registration to county elections officials ~~prior to~~ *before*
17 printing new or revised forms that reflect the changes made to this
18 section by ~~the act that added this subdivision. Chapter 508 of the~~
19 *Statutes of 2007.*

20 SEC. 5. Section 2150 of the Elections Code, as amended by
21 Section 3 of Chapter 619 of the Statutes of 2014, is amended to
22 read:

23 2150. (a) The affidavit of registration shall show:

24 (1) The facts necessary to establish the affiant as an elector.

25 (2) The affiant's name at length, including his or her given
26 name, and a middle name or initial, or if the initial of the given
27 name is customarily used, then the initial and middle name. The
28 affiant's given name may be preceded, at the affiant's option, by
29 the designation of Miss, Ms., Mrs., or Mr. A person shall not be
30 denied the right to register because of his or her failure to mark a
31 prefix to the given name and shall be so advised on the voter
32 registration card. This subdivision shall not be construed as
33 requiring the printing of prefixes on an affidavit of registration.

34 (3) The affiant's place of residence, residence telephone number,
35 if furnished, and email address, if furnished. A person shall not be
36 denied the right to register because of his or her failure to furnish
37 a telephone number or email address, and shall be so advised on
38 the voter registration card.

39 (4) The affiant's mailing address, if different from the place of
40 residence.

1 (5) The affiant's date of birth to establish that he or she will be
2 at least 18 years of age on or before the date of the next election.
3 In the case of an affidavit of registration submitted pursuant to
4 subdivision (d) of Section 2102, the affiant's date of birth to
5 establish that he or she is at least 16 years of age.

6 (6) The state or country of the affiant's birth.

7 (7) (A) In the case of an affiant who has been issued a current
8 and valid driver's license, the affiant's driver's license number.

9 (B) In the case of any other affiant, other than an affiant to whom
10 subparagraph (C) applies, the last four digits of the affiant's social
11 security number.

12 (C) If a voter registration affiant has not been issued a current
13 and valid driver's license or a social security number, the state
14 shall assign the affiant a number that will serve to identify the
15 affiant for voter registration purposes. If the state has a
16 computerized list in effect under this paragraph and the list assigns
17 unique identifying numbers to registrants, the number assigned
18 under this subparagraph shall be the unique identifying number
19 assigned under the list.

20 (8) The affiant's political party preference.

21 (9) That the affiant is currently not imprisoned or on parole for
22 the conviction of a felony.

23 (10) A prior registration portion indicating whether the affiant
24 has been registered at another address, under another name, or as
25 preferring another party. If the affiant has been so registered, he
26 or she shall give an additional statement giving that address, name,
27 or party.

28 (b) The affiant shall certify the content of the affidavit of
29 registration as to its truthfulness and correctness, under penalty of
30 perjury, with the signature of his or her name and the date of
31 signing. If the affiant is unable to write he or she shall sign with
32 a mark or cross. An affiant who is an individual with a disability
33 may complete the affidavit with reasonable accommodations as
34 needed.

35 (c) The affidavit of registration shall also contain a space that
36 would enable the affiant to state his or her ethnicity or race, or
37 both. An affiant shall not be denied the ability to register because
38 he or she declines to state his or her ethnicity or race.

(d) If a person, including a deputy registrar, assists the affiant in completing the affidavit of registration, that person shall sign and date the affidavit below the signature of the affiant.

(e) The affidavit of registration shall also contain a space to permit the affiant to apply for permanent vote by mail status.

(f) The Secretary of State may continue to supply existing affidavits of registration to county elections officials before printing new or revised forms that reflect the changes made to this section by Chapter 508 of the Statutes of 2007.

SEC. 5.5. Section 2150 of the Elections Code, as amended by Section 3 of Chapter 619 of the Statutes of 2014, is amended to read:

2150. (a) The affidavit of registration shall show:

(1) The facts necessary to establish the affiant as an elector.

(2) The affiant's name at length, including his or her given name, and a middle name or initial, or if the initial of the given name is customarily used, then the initial and middle name. The affiant's given name may be preceded, at *the* affiant's option, by the designation of ~~Miss, Ms., Mrs., or Mr.~~ "Miss," "Ms.," "Mrs.," or "Mr." A person shall not be denied the right to register because of his or her failure to mark a prefix to the given name and shall be so advised on the voter registration card. This subdivision shall not be construed as requiring the printing of prefixes on an affidavit of registration.

(3) The affiant's place of residence, residence telephone number, if furnished, and ~~e-mail~~ *email* address, if furnished. A person shall not be denied the right to register because of his or her failure to furnish a telephone number or ~~e-mail~~ *email* address, and shall be so advised on the voter registration card.

(4) The affiant's mailing address, if different from the place of residence.

(5) The affiant's date of birth to establish that he or she will be at least 18 years of age on or before the date of the next election. In the case of an affidavit of registration submitted pursuant to subdivision (d) of Section 2102, the affiant's date of birth to establish that he or she is at least 16 years of age.

(6) The state or country of the affiant's birth.

(7) (A) In the case of an ~~applicant~~ *affiant* who has been issued a current and valid driver's license, the ~~applicant's~~ *affiant's* driver's license number.

1 (B) In the case of any other ~~applicant~~, *affiant*, other than an
2 ~~applicant~~ *affiant* to whom subparagraph (C) applies, the last four
3 digits of the ~~applicant's~~ *affiant's* social security number.

4 (C) If ~~an applicant for a~~ voter registration *affiant* has not been
5 issued a current and valid driver's license or a social security
6 number, the state shall assign the ~~applicant~~ *affiant* a number that
7 will serve to identify the ~~applicant~~ *affiant* for voter registration
8 purposes. ~~To the extent that~~ *If* the state has a computerized list in
9 effect under this ~~subdivision~~ *paragraph* and the list assigns unique
10 identifying numbers to registrants, the number assigned under this
11 subparagraph shall be the unique identifying number assigned
12 under the list.

13 (8) The affiant's political party preference.

14 (9) That the affiant is currently not imprisoned or on parole for
15 the conviction of a felony.

16 (10) A prior registration portion indicating whether the affiant
17 has been registered at another address, under another name, or as
18 preferring another party. If the affiant has been so registered, he
19 or she shall give an additional statement giving that address, name,
20 or party.

21 (b) The affiant shall certify the content of the affidavit *of*
22 *registration* as to its ~~truth~~ *truthfulness* and correctness, under
23 penalty of perjury, with the signature of his or her name and the
24 date of signing. If the affiant is unable to ~~write~~ *write*, he or she
25 shall sign with a mark or cross. *An affiant who is an individual*
26 *with a disability may complete the affidavit with reasonable*
27 *accommodations as needed.*

28 (c) The affidavit of registration shall also contain a space that
29 would enable the affiant to state his or her ethnicity or race, or
30 both. An affiant shall not be denied the ability to register because
31 he or she declines to state his or her ethnicity or race.

32 (d) If a ~~person, including a deputy registrar,~~ *person* assists the
33 affiant in completing the ~~affidavit,~~ *affidavit of registration*, that
34 person shall sign and date the affidavit below the signature of the
35 affiant.

36 (e) The affidavit of registration shall also contain a space to
37 permit the affiant to apply for permanent vote by mail status.

38 (f) The Secretary of State may continue to supply existing
39 affidavits of registration to county elections officials ~~prior to~~ *before*
40 printing new or revised forms that reflect the changes made to this

1 section by the act that added this subdivision. *Chapter 508 of the*
2 *Statutes of 2007.*

3 SEC. 6. Section 2208 of the Elections Code is amended to read:

4 2208. (a) A person is presumed competent to vote regardless
5 of his or her conservatorship status. A person shall be deemed
6 mentally incompetent, and therefore disqualified from voting, if,
7 during the course of any of the proceedings set forth below, the
8 court finds by clear and convincing evidence that the person cannot
9 communicate, with or without reasonable accommodations, a desire
10 to participate in the voting process, and any of the following apply:

11 (1) A conservator for the person or the person and estate is
12 appointed pursuant to Division 4 (commencing with Section 1400)
13 of the Probate Code.

14 (2) A conservator for the person or the person and estate is
15 appointed pursuant to Chapter 3 (commencing with Section 5350)
16 of Part 1 of Division 5 of the Welfare and Institutions Code.

17 (3) A conservator is appointed for the person pursuant to
18 proceedings initiated under Section 5352.5 of the Welfare and
19 Institutions Code, the person has been found not competent to
20 stand trial, and the person's trial or judgment has been suspended
21 pursuant to Section 1370 of the Penal Code.

22 (4) A person has pleaded not guilty by reason of insanity, has
23 been found to be not guilty pursuant to Section 1026 of the Penal
24 Code, and is deemed to be gravely disabled at the time of judgment
25 as defined in paragraph (2) of subdivision (h) of Section 5008 of
26 the Welfare and Institutions Code.

27 (b) If the proceeding under the Welfare and Institutions Code
28 is heard by a jury, the jury shall unanimously find by clear and
29 convincing evidence that the person cannot communicate, with or
30 without reasonable accommodations, a desire to participate in the
31 voting process before the person shall be disqualified from voting.

32 (c) If an order establishing a conservatorship is made and in
33 connection with the order it is found by clear and convincing
34 evidence that the person cannot communicate, with or without
35 reasonable accommodations, a desire to participate in the voting
36 process, the court shall forward the order and determination to the
37 county elections official of the person's county of residence.

38 (d) A person shall not be disqualified from voting pursuant to
39 this section on the basis that he or she does, or would need to do,
40 any of the following to complete an affidavit of voter registration:

1 (1) Signs the affidavit of voter registration with a mark or a
2 cross pursuant to subdivision (b) of Section 2150.

3 (2) Signs the affidavit of voter registration by means of a
4 signature stamp pursuant to Section 354.5.

5 (3) Completes the affidavit of voter registration with the
6 assistance of another person pursuant to subdivision (d) of Section
7 2150.

8 (4) Completes the affidavit of voter registration with reasonable
9 accommodations.

10 *SEC. 6.5. Section 2208 of the Elections Code is amended to*
11 *read:*

12 2208. (a) A person is *presumed competent to vote regardless*
13 *of his or her conservatorship status. A person shall be deemed*
14 *mentally incompetent, and therefore disqualified from voting, if,*
15 *during the course of any of the proceedings set forth below, the*
16 *court finds by clear and convincing evidence that the person is not*
17 ~~*capable of completing an affidavit of voter registration in*~~
18 ~~*accordance with Section 2150 cannot communicate, with or without*~~
19 *reasonable accommodations, a desire to participate in the voting*
20 *process, and any of the following apply:*

21 (1) A conservator for the person or the person and estate is
22 appointed pursuant to Division 4 (commencing with Section 1400)
23 of the Probate Code.

24 (2) A conservator for the person or the person and estate is
25 appointed pursuant to Chapter 3 (commencing with Section 5350)
26 of Part 1 of Division 5 of the Welfare and Institutions Code.

27 (3) A conservator is appointed for the person pursuant to
28 proceedings initiated under Section 5352.5 of the Welfare and
29 Institutions Code, the person has been found not competent to
30 stand trial, and the person's trial or judgment has been suspended
31 pursuant to Section 1370 of the Penal Code.

32 (4) A person has ~~plead~~ *pleaded* not guilty by reason of insanity,
33 has been found to be not guilty pursuant to Section 1026 of the
34 Penal Code, and is deemed to be gravely disabled at the time of
35 judgment as defined in paragraph (2) of subdivision (h) of Section
36 5008 of the Welfare and Institutions Code.

37 (b) If the proceeding under the Welfare and Institutions Code
38 is heard by a jury, the jury shall unanimously find *by clear and*
39 *convincing evidence that the person is not capable of completing*
40 ~~*an affidavit of voter registration cannot communicate, with or*~~

1 *without reasonable accommodations, a desire to participate in the*
2 *voting process* before the person shall be disqualified from voting.

3 (c) If an order establishing a conservatorship is made and in
4 connection with the order it is found *by clear and convincing*
5 *evidence* that the person ~~is not capable of completing an affidavit~~
6 ~~of voter registration~~, *cannot communicate, with or without*
7 *reasonable accommodations, a desire to participate in the voting*
8 *process*, the court shall forward the order and determination to the
9 ~~county elections official of the person's county of residence.~~
10 *Secretary of State and the county elections official of the person's*
11 *county of residence in the format prescribed by the Secretary of*
12 *State.*

13 (d) A person shall not be disqualified from voting pursuant to
14 this section on the basis that he or she does, or would need to do,
15 any of the following to complete an affidavit of voter registration:

16 (1) Signs the affidavit of voter registration with a mark or a
17 cross pursuant to subdivision (b) of Section 2150.

18 (2) Signs the affidavit of voter registration by means of a
19 signature stamp pursuant to Section 354.5.

20 (3) Completes the affidavit of voter registration with the
21 assistance of another person pursuant to subdivision (d) of Section
22 2150.

23 (4) *Completes the affidavit of voter registration with reasonable*
24 *accommodations.*

25 SEC. 7. Section 2209 of the Elections Code is amended to read:

26 2209. (a) For conservatorships established pursuant to Division
27 4 (commencing with Section 1400) of the Probate Code, the court
28 investigator shall, during the yearly or biennial review of the
29 conservatorship as required by Chapter 2 (commencing with
30 Section 1850) of Part 3 of Division 4 of the Probate Code, review
31 the person's capability of communicating, with or without
32 reasonable accommodations, a desire to participate in the voting
33 process.

34 (b) If the person had been disqualified from voting by reason
35 of being incapable of communicating, with or without reasonable
36 accommodations, a desire to participate in the voting process, or
37 by reason of being incapable of completing an affidavit of voter
38 registration, the court investigator shall determine if the person
39 continues to be incapable of communicating, with or without
40 reasonable accommodations, a desire to participate in the voting

1 process, and the investigator shall so inform the court. If the
2 investigator determines that the person continues to be incapable
3 of communicating, with or without reasonable accommodations,
4 a desire to participate in the voting process, a court hearing on the
5 issue is unnecessary. If the investigator finds that the person is not
6 incapable of communicating, with or without reasonable
7 accommodations, a desire to participate in the voting process, the
8 court shall hold a hearing to determine if, by clear and convincing
9 evidence, the person cannot communicate, with or without
10 reasonable accommodations, a desire to participate in the voting
11 process. Unless the person is found incapable of communicating
12 that desire, the person's right to register to vote shall be restored,
13 and the court shall so notify the county elections official.

14 (c) If the person has not been found incapable of communicating,
15 with or without reasonable accommodations, a desire to participate
16 in the voting process, and the court investigator determines that
17 the person is no longer capable of communicating that desire, the
18 investigator shall so notify the court. The court shall hold a hearing
19 to determine if, by clear and convincing evidence, the person
20 cannot communicate, with or without reasonable accommodations,
21 a desire to participate in the voting process. If the court determines
22 that the person cannot communicate that desire, the court shall
23 order the person to be disqualified from voting pursuant to Section
24 2208, and the court shall so notify the county elections official.

25 *SEC. 7.5. Section 2209 of the Elections Code is amended to*
26 *read:*

27 2209. (a) For conservatorships established pursuant to Division
28 4 (commencing with Section 1400) of the Probate Code, the court
29 investigator shall, during the yearly or biennial review of the
30 conservatorship as required by Chapter 2 (commencing with
31 Section 1850) of Part 3 of Division 4 of the Probate Code, review
32 the person's capability of ~~completing an affidavit of voter~~
33 ~~registration in accordance with Section 2150.~~ *communicating, with*
34 *or without reasonable accommodations, a desire to participate in*
35 *the voting process.*

36 ~~(b) (1) If the person had been disqualified from voting by reason~~
37 ~~of being incapable of completing an affidavit of voter registration,~~
38 ~~the court investigator shall determine whether the person has~~
39 ~~become capable of completing the affidavit in accordance with~~

~~Section 2150 and subdivision (d) of Section 2208, and the investigator shall so inform the court.~~

~~(2)~~

(b) If the investigator person has been disqualified from voting by reason of being incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, or by reason of being incapable of completing an affidavit of voter registration, the court investigator shall determine if the person continues to be incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, and the investigator shall so inform the court. If the investigator determines that the person continues to be incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, a court hearing on the issue is unnecessary. If the investigator finds that the person is capable of completing the affidavit in accordance with Section 2150 and subdivision (d) of Section 2208, the not incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, the court shall hold a hearing to determine whether the person is in fact capable of completing the affidavit. If if, by clear and convincing evidence, the person cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process. Unless the person is found to be capable of completing the affidavit, incapable of communicating that desire, the person's right to register to vote shall be restored, and the court shall so notify the county elections official. Secretary of State and the county elections official in the format prescribed by the Secretary of State.

(c) If the person had has not been found to be incapable of completing an affidavit of voter registration, incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, and the court investigator determines that the person is no longer capable of completing the affidavit in accordance with Section 2150 and subdivision (d) of Section 2208, communicating that desire, the investigator shall so notify the court. The court shall hold a hearing to determine whether the person is capable of completing an affidavit of voter registration in accordance with Section 2150 and subdivision (d) of Section 2208. if, by clear and convincing

1 *evidence, the person cannot communicate, with or without*
2 *reasonable accommodations, a desire to participate in the voting*
3 *process. If the court determines that the person is not so able,*
4 *cannot communicate that desire, the court shall order the person*
5 *to be disqualified from voting pursuant to Section 2208, and the*
6 *court shall so notify the ~~county elections official~~. Secretary of State*
7 *and the county elections official in the format prescribed by the*
8 *Secretary of State.*

9 SEC. 8. Section 1823 of the Probate Code is amended to read:

10 1823. (a) If the petition is filed by a person other than the
11 proposed conservatee, the clerk shall issue a citation directed to
12 the proposed conservatee setting forth the time and place of
13 hearing.

14 (b) The citation shall state the legal standards by which the need
15 for a conservatorship is adjudged as stated in Section 1801 and
16 shall state the substance of all of the following:

17 (1) The proposed conservatee may be adjudged unable to
18 provide for personal needs or to manage financial resources and,
19 by reason thereof, a conservator may be appointed for the person
20 or estate, or both.

21 (2) Such adjudication may affect or transfer to the conservator
22 the proposed conservatee's right to contract, in whole or in part,
23 to manage and control property, to give informed consent for
24 medical treatment, and to fix a residence.

25 (3) (A) The proposed conservatee may be disqualified from
26 voting pursuant to Section 2208 of the Elections Code if he or she
27 is incapable of communicating, with or without reasonable
28 accommodations, a desire to participate in the voting process.

29 (B) The proposed conservatee shall not be disqualified from
30 voting on the basis that he or she does, or would need to do, any
31 of the following to complete an affidavit of voter registration:

32 (i) Signs the affidavit of voter registration with a mark or a cross
33 pursuant to subdivision (b) of Section 2150 of the Elections Code.

34 (ii) Signs the affidavit of voter registration by means of a
35 signature stamp pursuant to Section 354.5 of the Elections Code.

36 (iii) Completes the affidavit of voter registration with the
37 assistance of another person pursuant to subdivision (d) of Section
38 2150 of the Elections Code.

39 (iv) Completes the affidavit of voter registration with reasonable
40 accommodations.

1 (4) The court or a court investigator will explain the nature,
2 purpose, and effect of the proceeding to the proposed conservatee
3 and will answer questions concerning the explanation.

4 (5) The proposed conservatee has the right to appear at the
5 hearing and to oppose the petition, and in the case of an alleged
6 developmentally disabled adult, to oppose the petition in part, by
7 objecting to any or all of the requested duties or powers of the
8 limited conservator.

9 (6) The proposed conservatee has the right to choose and be
10 represented by legal counsel and has the right to have legal counsel
11 appointed by the court if unable to retain legal counsel.

12 (7) The proposed conservatee has the right to a jury trial if
13 desired.

14 SEC. 9. Section 1826 of the Probate Code is amended to read:
15 1826. (a) Regardless of whether the proposed conservatee
16 attends the hearing, the court investigator shall do all of the
17 following:

18 (1) Conduct the following interviews:

19 (A) The proposed conservatee personally.

20 (B) All petitioners and all proposed conservators who are not
21 petitioners.

22 (C) The proposed conservatee's spouse or registered domestic
23 partner and relatives within the first degree. If the proposed
24 conservatee does not have a spouse, registered domestic partner,
25 or relatives within the first degree, to the greatest extent possible,
26 the proposed conservatee's relatives within the second degree.

27 (D) To the greatest extent practical and taking into account the
28 proposed conservatee's wishes, the proposed conservatee's relatives
29 within the second degree not required to be interviewed under
30 subparagraph (C), neighbors, and, if known, close friends.

31 (2) Inform the proposed conservatee of the contents of the
32 citation, of the nature, purpose, and effect of the proceeding, and
33 of the right of the proposed conservatee to oppose the proceeding,
34 to attend the hearing, to have the matter of the establishment of
35 the conservatorship tried by jury, to be represented by legal counsel
36 if the proposed conservatee so chooses, and to have legal counsel
37 appointed by the court if unable to retain legal counsel.

38 (3) Determine if it appears that the proposed conservatee is
39 unable to attend the hearing and, if able to attend, whether the
40 proposed conservatee is willing to attend the hearing.

1 (4) Review the allegations of the petition as to why the
2 appointment of the conservator is required and, in making his or
3 her determination, do the following:

4 (A) Refer to the supplemental information form submitted by
5 the petitioner and consider the facts set forth in the form that
6 address each of the categories specified in paragraphs (1) to (5),
7 inclusive, of subdivision (a) of Section 1821.

8 (B) Consider, to the extent practicable, whether he or she
9 believes the proposed conservatee suffers from any of the mental
10 function deficits listed in subdivision (a) of Section 811 that
11 significantly impairs the proposed conservatee's ability to
12 understand and appreciate the consequences of his or her actions
13 in connection with any of the functions described in subdivision
14 (a) or (b) of Section 1801 and identify the observations that support
15 that belief.

16 (5) Determine if the proposed conservatee wishes to contest the
17 establishment of the conservatorship.

18 (6) Determine if the proposed conservatee objects to the
19 proposed conservator or prefers another person to act as
20 conservator.

21 (7) Determine if the proposed conservatee wishes to be
22 represented by legal counsel and, if so, whether the proposed
23 conservatee has retained legal counsel and, if not, the name of an
24 attorney the proposed conservatee wishes to retain.

25 (8) (A) Determine if the proposed conservatee is incapable of
26 communicating, with or without reasonable accommodations, a
27 desire to participate in the voting process, and may be disqualified
28 from voting pursuant to Section 2208 of the Elections Code.

29 (B) The proposed conservatee shall not be disqualified from
30 voting on the basis that he or she does, or would need to do, any
31 of the following to complete an affidavit of voter registration:

32 (i) Signs the affidavit of voter registration with a mark or a cross
33 pursuant to subdivision (b) of Section 2150 of the Elections Code.

34 (ii) Signs the affidavit of voter registration by means of a
35 signature stamp pursuant to Section 354.5 of the Elections Code.

36 (iii) Completes the affidavit of voter registration with the
37 assistance of another person pursuant to subdivision (d) of Section
38 2150 of the Elections Code.

39 (iv) Completes the affidavit of voter registration with reasonable
40 accommodations.

1 (9) If the proposed conservatee has not retained legal counsel,
2 determine if the proposed conservatee desires the court to appoint
3 legal counsel.

4 (10) Determine if the appointment of legal counsel would be
5 helpful to the resolution of the matter or is necessary to protect the
6 interests of the proposed conservatee in a case where the proposed
7 conservatee does not plan to retain legal counsel and has not
8 requested the appointment of legal counsel by the court.

9 (11) Report to the court in writing, at least five days before the
10 hearing, concerning all of the foregoing, including the proposed
11 conservatee's express communications concerning both of the
12 following:

13 (A) Representation by legal counsel.

14 (B) If the proposed conservatee is not willing to attend the
15 hearing, does not wish to contest the establishment of the
16 conservatorship, and does not object to the proposed conservator
17 or prefers that another person act as conservator.

18 (12) Mail, at least five days before the hearing, a copy of the
19 report referred to in paragraph (11) to all of the following:

20 (A) The attorney, if any, for the petitioner.

21 (B) The attorney, if any, for the proposed conservatee.

22 (C) The proposed conservatee.

23 (D) The spouse, registered domestic partner, and relatives within
24 the first degree of the proposed conservatee who are required to
25 be named in the petition for appointment of the conservator, unless
26 the court determines that the mailing will harm the conservatee.

27 (E) Any other persons as the court orders.

28 (b) The court investigator has discretion to release the report
29 required by this section to the public conservator, interested public
30 agencies, and the long-term care ombudsman.

31 (c) The report required by this section is confidential and shall
32 be made available only to parties, persons described in paragraph
33 (12) of subdivision (a), persons given notice of the petition who
34 have requested this report or who have appeared in the proceedings,
35 their attorneys, and the court. The court has discretion at any other
36 time to release the report, if it would serve the interests of the
37 conservatee. The clerk of the court shall provide for the limitation
38 of the report exclusively to persons entitled to its receipt.

39 (d) This section does not apply to a proposed conservatee who
40 has personally executed the petition for conservatorship, or a

1 proposed conservatee who has nominated his or her own
2 conservator, if he or she attends the hearing.

3 (e) If the court investigator has performed an investigation
4 within the preceding six months and furnished a report thereon to
5 the court, the court may order, upon good cause shown, that another
6 investigation is not necessary or that a more limited investigation
7 may be performed.

8 (f) An investigation by the court investigator related to a
9 temporary conservatorship also may be a part of the investigation
10 for the general petition for conservatorship, but the court
11 investigator shall make a second visit to the proposed conservatee
12 and the report required by this section shall include the effect of
13 the temporary conservatorship on the proposed conservatee.

14 (g) The Judicial Council shall, on or before January 1, 2009,
15 adopt rules of court and Judicial Council forms as necessary to
16 implement an expedited procedure to authorize, by court order, a
17 proposed conservatee's health care provider to disclose confidential
18 medical information about the proposed conservatee to a court
19 investigator pursuant to federal medical information privacy
20 regulations promulgated under the federal Health Insurance
21 Portability and Accountability Act of 1996 (Public Law 104-191).

22 (h) A superior court shall not be required to perform any duties
23 imposed pursuant to the amendments to this section enacted by
24 Chapter 493 of the Statutes of 2006 until the Legislature makes
25 an appropriation identified for this purpose.

26 SEC. 10. Section 1828 of the Probate Code is amended to read:

27 1828. (a) Except as provided in subdivision (c), before the
28 establishment of a conservatorship of the person or estate, or both,
29 the court shall inform the proposed conservatee of all of the
30 following:

31 (1) The nature and purpose of the proceeding.

32 (2) The establishment of a conservatorship is a legal adjudication
33 of the conservatee's inability to properly provide for the
34 conservatee's personal needs or to manage the conservatee's own
35 financial resources, or both, depending on the allegations made
36 and the determinations requested in the petition, and the effect of
37 such an adjudication on the conservatee's basic rights.

38 (3) (A) The proposed conservatee may be disqualified from
39 voting pursuant to Section 2208 of the Elections Code if he or she

1 is incapable of communicating, with or without reasonable
2 accommodations, a desire to participate in the voting process.

3 (B) The proposed conservatee shall not be disqualified from
4 voting on the basis that he or she does, or would need to do, any
5 of the following to complete an affidavit of voter registration:

6 (i) Signs the affidavit of voter registration with a mark or a cross
7 pursuant to subdivision (b) of Section 2150 of the Elections Code.

8 (ii) Signs the affidavit of voter registration by means of a
9 signature stamp pursuant to Section 354.5 of the Elections Code.

10 (iii) Completes the affidavit of voter registration with the
11 assistance of another person pursuant to subdivision (d) of Section
12 2150 of the Elections Code.

13 (iv) Completes the affidavit of voter registration with reasonable
14 accommodations.

15 (4) The identity of the proposed conservator.

16 (5) The nature and effect on the conservatee's basic rights of
17 any order requested under Chapter 4 (commencing with Section
18 1870), and in the case of an allegedly developmentally disabled
19 adult, the specific effects of each limitation requested in such order.

20 (6) The proposed conservatee has the right to oppose the
21 proceeding, to have the matter of the establishment of the
22 conservatorship tried by jury, to be represented by legal counsel
23 if the proposed conservatee so chooses, and to have legal counsel
24 appointed by the court if unable to retain legal counsel.

25 (b) After the court so informs the proposed conservatee and
26 before the establishment of the conservatorship, the court shall
27 consult the proposed conservatee to determine the proposed
28 conservatee's opinion concerning all of the following:

29 (1) The establishment of the conservatorship.

30 (2) The appointment of the proposed conservator.

31 (3) Any order requested under Chapter 4 (commencing with
32 Section 1870), and in the case of an allegedly developmentally
33 disabled adult, of each limitation requested in such order.

34 (c) This section does not apply where both of the following
35 conditions are satisfied:

36 (1) The proposed conservatee is absent from the hearing and is
37 not required to attend the hearing under subdivision (a) of Section
38 1825.

39 (2) Any showing required by Section 1825 has been made.

40 SEC. 11. Section 1851 of the Probate Code is amended to read:

1 1851. (a) (1) If court review is required pursuant to Section
2 1850, the court investigator shall, without prior notice to the
3 conservator except as ordered by the court for necessity or to
4 prevent harm to the conservatee, visit the conservatee. The court
5 investigator shall inform the conservatee personally that the
6 conservatee is under a conservatorship and shall give the name of
7 the conservator to the conservatee. The court investigator shall
8 determine all of the following:

9 (A) If the conservatee wishes to petition the court for termination
10 of the conservatorship.

11 (B) If the conservatee is still in need of the conservatorship.

12 (C) If the present conservator is acting in the best interests of
13 the conservatee. In determining if the conservator is acting in the
14 best interests of the conservatee, the court investigator's evaluation
15 shall include an examination of the conservatee's placement, the
16 quality of care, including physical and mental treatment, and the
17 conservatee's finances. To the extent practicable, the investigator
18 shall review the accounting with a conservatee who has sufficient
19 capacity. To the greatest extent possible, the court investigator
20 shall interview individuals set forth in paragraph (1) of subdivision
21 (a) of Section 1826, in order to determine if the conservator is
22 acting in the best interests of the conservatee.

23 (D) (i) If the conservatee is incapable of communicating, with
24 or without reasonable accommodations, a desire to participate in
25 the voting process and may be disqualified from voting pursuant
26 to Section 2208 or 2209 of the Elections Code.

27 (ii) The conservatee shall not be disqualified from voting on
28 the basis that he or she does, or would need to do, any of the
29 following to complete an affidavit of voter registration:

30 (I) Signs the affidavit of voter registration with a mark or a cross
31 pursuant to subdivision (b) of Section 2150 of the Elections Code.

32 (II) Signs the affidavit of voter registration by means of a
33 signature stamp pursuant to Section 354.5 of the Elections Code.

34 (III) Completes the affidavit of voter registration with the
35 assistance of another person pursuant to subdivision (d) of Section
36 2150 of the Elections Code.

37 (IV) Completes the affidavit of voter registration with reasonable
38 accommodations.

39 (2) If the court has made an order under Chapter 4 (commencing
40 with Section 1870), the court investigator shall determine if the

1 present condition of the conservatee is such that the terms of the
2 order should be modified or the order revoked.

3 (3) Upon request of the court investigator, the conservator shall
4 make available to the court investigator during the investigation
5 for inspection and copying all books and records, including receipts
6 and any expenditures, of the conservatorship.

7 (b) (1) The findings of the court investigator, including the
8 facts upon which the findings are based, shall be certified in writing
9 to the court not less than 15 days before the date of review. A copy
10 of the report shall be mailed to the conservator and to the attorneys
11 of record for the conservator and conservatee at the same time it
12 is certified to the court. A copy of the report, modified as set forth
13 in paragraph (2), also shall be mailed to the conservatee's spouse
14 or registered domestic partner, the conservatee's relatives in the
15 first degree, and if there are no such relatives, to the next closest
16 relative, unless the court determines that the mailing will harm the
17 conservatee.

18 (2) Confidential medical information and confidential
19 information from the California Law Enforcement
20 Telecommunications System shall be in a separate attachment to
21 the report and shall not be provided in copies sent to the
22 conservatee's spouse or registered domestic partner, the
23 conservatee's relatives in the first degree, and if there are no such
24 relatives, to the next closest relative.

25 (c) In the case of a limited conservatee, the court investigator
26 shall recommend continuing or terminating the limited
27 conservatorship.

28 (d) The court investigator may personally visit the conservator
29 and other persons as may be necessary to determine if the present
30 conservator is acting in the best interests of the conservatee.

31 (e) The report required by this section shall be confidential and
32 shall be made available only to parties, persons described in
33 subdivision (b), persons given notice of the petition who have
34 requested the report or who have appeared in the proceeding, their
35 attorneys, and the court. The court shall have discretion at any
36 other time to release the report if it would serve the interests of
37 the conservatee. The clerk of the court shall limit disclosure of the
38 report exclusively to persons entitled to the report under this
39 section.

1 (f) A superior court shall not be required to perform any duties
2 imposed pursuant to the amendments to this section enacted by
3 Chapter 493 of the Statutes of 2006 until the Legislature makes
4 an appropriation identified for this purpose.

5 SEC. 12. Section 1910 of the Probate Code is amended to read:

6 1910. (a) If the court determines the conservatee is incapable
7 of communicating, with or without reasonable accommodations,
8 a desire to participate in the voting process, the court shall by order
9 disqualify the conservatee from voting pursuant to Section 2208
10 or 2209 of the Elections Code.

11 (b) The conservatee shall not be disqualified from voting on the
12 basis that he or she does, or would need to do, any of the following
13 to complete an affidavit of voter registration:

14 (1) Signs the affidavit of voter registration with a mark or a
15 cross pursuant to subdivision (b) of Section 2150 of the Elections
16 Code.

17 (2) Signs the affidavit of voter registration by means of a
18 signature stamp pursuant to Section 354.5 of the Elections Code.

19 (3) Completes the affidavit of voter registration with the
20 assistance of another person pursuant to subdivision (d) of Section
21 2150 of the Elections Code.

22 (4) Completes the affidavit of voter registration with reasonable
23 accommodations.

24 SEC. 13. (a) *Section 3.5 of this bill incorporates amendments*
25 *to Section 2102 of the Elections Code, as amended by Section 6.5*
26 *of Chapter 909 of the Statutes of 2014, proposed by both this bill*
27 *and Assembly Bill 1461. It shall only become operative if (1) both*
28 *bills are enacted and become effective on or before January 1,*
29 *2016, (2) each bill amends Section 2102 of the Elections Code, as*
30 *amended by Section 6.5 of Chapter 909 of the Statutes of 2014,*
31 *and (3) this bill is enacted after Assembly Bill 1461, in which case*
32 *Section 3 of this bill shall not become operative.*

33 (b) *Section 4.5 of this bill incorporates amendments to Section*
34 *2150 of the Elections Code, as amended by Section 8 of Chapter*
35 *1 of the Statutes of 2009, proposed by both this bill and Assembly*
36 *Bill 1020. It shall only become operative if (1) both bills are*
37 *enacted and become effective on or before January 1, 2016, (2)*
38 *each bill amends Section 2150 of the Elections Code, as amended*
39 *by Section 8 of Chapter 1 of the Statutes of 2009, and (3) this bill*

1 *is enacted after Assembly Bill 1020, in which case Section 4 of*
2 *this bill shall not become operative.*

3 *(c) Section 5.5 of this bill incorporates amendments to Section*
4 *2150 of the Elections Code, as amended by Section 3 of Chapter*
5 *619 of the Statutes of 2014, proposed by both this bill and Assembly*
6 *Bill 1020. It shall only become operative if (1) both bills are*
7 *enacted and become effective on or before January 1, 2016, (2)*
8 *each bill amends Section 2150 of the Elections Code, as amended*
9 *by Section 3 of Chapter 619 of the Statutes of 2014, and (3) this*
10 *bill is enacted after Assembly Bill 1020, in which case Section 5*
11 *of this bill shall not become operative.*

12 *(d) Section 6.5 of this bill incorporates amendments to Section*
13 *2208 of the Elections Code proposed by both this bill and Assembly*
14 *Bill 1020. It shall only become operative if (1) both bills are*
15 *enacted and become effective on or before January 1, 2016, (2)*
16 *each bill amends Section 2208 of the Elections Code, and (3) this*
17 *bill is enacted after Assembly Bill 1020, in which case Section 6*
18 *of this bill shall not become operative.*

19 *(e) Section 7.5 of this bill incorporates amendments to Section*
20 *2209 of the Elections Code proposed by both this bill and Assembly*
21 *Bill 1020. It shall only become operative if (1) both bills are*
22 *enacted and become effective on or before January 1, 2016, (2)*
23 *each bill amends Section 2209 of the Elections Code, and (3) this*
24 *bill is enacted after Assembly Bill 1020, in which case Section 7*
25 *of this bill shall not become operative.*

26 ~~SEC. 13.~~

27 *SEC. 14.* No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution for certain
29 costs that may be incurred by a local agency or school district
30 because in that regard this act implements a federal law or
31 regulation and results only in costs mandated by the federal
32 government, within the meaning of Section 17556 of the
33 Government Code.

34 However, if the Commission on State Mandates determines that
35 this act contains other costs mandated by the state, reimbursement
36 to local agencies and school districts for those costs shall be made
37 pursuant to Part 7 (commencing with Section 17500) of Division
38 4 of Title 2 of the Government Code.

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